

## 21 C.J.S. Courts § 221

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### Courts

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### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

#### 3. Extent of Precedential Effect of Decision

## § 221. Construction of statutes—Precedential value of similar statutes

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Courts](#)  90(4), 91, 95(2)

**Decisions construing other statutes are authoritative when those statutes are identical (or nearly identical) in language or in principle with the one under review, particularly if it appears that the legislative body knew of the prior decisions.**

Decisions construing other statutes are authoritative when those statutes are identical (or nearly identical) in language or in principle with the one under review,<sup>1</sup> particularly if it appears that the legislative body knew of the prior decisions.<sup>2</sup> However, cases arising under analogous, although not identical, statutes are merely instructive.<sup>3</sup> Although opinions from other jurisdictions interpreting statutes similar to the one under review may be persuasive,<sup>4</sup> a state court first uses its own rules of statutory construction<sup>5</sup> and is not bound by decisions construing the laws of other states even though the law being construed may be identical to state law.<sup>6</sup>

### CUMULATIVE SUPPLEMENT

#### Cases:

That over 20 States had enacted statutes authorizing agency fee provisions, under which public-sector unions charged nonmembers for proportionate share of union dues attributable to union's activities as collective-bargaining representative, was not a compelling interest for Supreme Court to continue to adhere to *Aboud v. Detroit Bd. of Ed.*, 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d 261, which wrongly held that such arrangements did not violate the First Amendment, since if it were, then legislative

acts could prevent the Court from overruling its own precedents, thereby interfering with its duty to say what the law is, and States could keep their labor-relations systems exactly as they were, only they could not force nonmembers to subsidize public-sector unions. U.S.C.A. Const.Amend. 1. *Janus v. American Federation of State, County, and Mun. Employees, Council 31*, 138 S. Ct. 2448 (2018).

**[END OF SUPPLEMENT]**

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**Footnotes**

- 1 Iowa—*Consolidated Freightways, Inc. v. Cedar Rapids Civil Rights Com'n*, 366 N.W.2d 522 (Iowa 1985).
- 2 Or.—*Homan v. Hirsch*, 106 Or. 98, 211 P. 795 (1922).  
  
Wis.—*State v. Arnold*, 186 Wis. 609, 203 N.W. 373 (1925).
- 3 Mass.—*Commissioner of Revenue v. Jafra Cosmetics, Inc.*, 433 Mass. 255, 742 N.E.2d 54 (2001).  
  
Minn.—*Busch v. Commissioner of Revenue*, 713 N.W.2d 337 (Minn. 2006).
- 4 Alaska—*City of Kenai v. Friends of Recreation Center, Inc.*, 129 P.3d 452 (Alaska 2006).  
  
N.D.—*Western Nat. Mut. Ins. Co. v. University of North Dakota*, 2002 ND 63, 643 N.W.2d 4 (N.D. 2002).  
  
**Entitled to weight**  
Iowa—Iowa Comprehensive Petroleum Underground Storage Tank Fund Bd. v. Mobil Oil Corp., 606 N.W.2d 359 (Iowa 2000).
- 5 Alaska—*City of Kenai v. Friends of Recreation Center, Inc.*, 129 P.3d 452 (Alaska 2006).
- 6 Ala.—*Simcala, Inc. v. American Coal Trade, Inc.*, 821 So. 2d 197, 46 U.C.C. Rep. Serv. 2d 369 (Ala. 2001).  
  
**Considered only under "borrowed statute" doctrine**  
Miss.—*Pope v. Brock*, 912 So. 2d 935 (Miss. 2005) (holding modified on other grounds by, *Proli v. Hathorn*, 928 So. 2d 169 (Miss. 2006)).